

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

HUAWEI TECHNOLOGIES CO., LTD.,  
HUAWEI DEVICE USA, INC., and  
HUAWEI TECHNOLOGIES USA, INC.,

**Plaintiffs / Counterclaim-  
Defendants,**

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC..

## Defendants / Counterclaim- Plaintiffs,

and

SAMSUNG RESEARCH AMERICA.

**Defendant.**

V.

HISILICON TECHNOLOGIES CO., LTD.,  
Counterclaim-Defendant.

Case No. 3:16-cv-2787-WHO

**ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL PORTIONS OF  
THE JOINT CASE MANAGEMENT  
CONFERENCE STATEMENT AND  
EXHIBIT B THERETO**

17 Pursuant to Civil Local Rules 7-11 and 79-5, Defendants/Counterclaim-Plaintiffs Samsung  
18 Electronics Co., Ltd., and Samsung Electronics America, Inc., and Defendant Samsung Research  
19 America (collectively “Samsung”) bring this administrative motion to file under seal limited  
20 portions of the Joint Case Management Conference Statement and Exhibit B thereto. Samsung  
21 certifies that it has reviewed and complied with Judge Orrick’s Standing Order on Administrative  
22 Motions to Seal, as well as Civil Local Rule 79-5.

23 Samsung requests an order granting its motion to file under seal the materials in the  
24 following table:

<b>Document</b>	<b>Portions to be Filed Under Seal</b>	<b>Party Claiming Confidentiality</b>	<b>Basis for Sealing</b>
Joint Case Management Conference	Highlighted portions on page 7, lines 12-16; page 8, lines 21-	Samsung	Declaration of Cole Malmberg in Support of the Administrative

1	Statement	23, 25-26; and page 9, lines 7-8	Motion to File Under Seal (“Malmberg Decl.”) ¶ 4
3	Exhibit B	Highlighted portions on page 1	Samsung

5 All of the materials identified above contain or reference information that Samsung has  
 6 designated as “Highly Confidential – Attorneys’ Eyes Only” because it is confidential, nonpublic,  
 7 and competitively sensitive in nature. *See Malmberg Decl.* ¶¶ 4-5. For the convenience of the  
 8 Court, redactions of material subject to a claim of confidentiality by Samsung are highlighted in  
 9 yellow in the foregoing documents filed under seal with the Court.

10 Non-dispositive motions and related materials may be sealed in the 9th Circuit upon a  
 11 “particularized showing” under the “good cause” standard of Fed. R. Civ. P. 26(c). *See Kamakana*  
 12 *v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006) (“A ‘good cause’ showing  
 13 under Rule 26(c) will suffice to keep sealed records attached to non-dispositive motions.”)  
 14 (quoting *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1135-38 (9th Cir. 2003)). In this  
 15 District, Civil L.R. 79-5(b) requires that the party moving to seal “establish[] that the document, or  
 16 portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection  
 17 under the law” and that the corresponding motion to seal “be narrowly tailored to seek sealing  
 18 only of sealable material.”

19 Samsung only seeks to seal information that is highly confidential, nonpublic, and  
 20 competitively sensitive in nature. *See Malmberg Decl.* ¶¶ 4-5. Public disclosure of this  
 21 information would harm Samsung’s competitive standing. *Id.* This sealing request is therefore  
 22 narrowly tailored to only sealable material and does not indiscriminately seek to seal other, non-  
 23 sealable portions of the Joint Case Management Conference Statement and exhibits thereto.  
 24 Samsung therefore respectfully request that the Court order sealed the materials identified above.

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1 Dated: September 20, 2017

Respectfully Submitted,

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